

REMARKS

Reconsideration of all grounds of rejection and allowance of the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-21 remain pending herein. Claims 1, 14, 15 and 21 are independent claims.

Claim 11 has been amended to overcome the rejection under 35 U.S.C. §112, second paragraph. The claims have also been amended to improve their form.

Claims 1, 3, 5-7, 10, 14, 15 and 17-19 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Tang *et al.* (U.S. 6,724,322) (hereinafter "Tang"). Claims 2, 4, 8, 9, 11, 13 and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Tang in view of Hussey *et al.* (U.S. 6,130,622) (hereinafter "Hussey"). Claims 12, 16 and 21 stand rejected under 35 U.S.C. §103(a) over Tang, Hussey and further in view of Sollestre *et al.* (U.S. 5,864,297) (hereinafter "Sollestre"). Applicant respectfully overcomes all of these grounds of rejection for the reasons indicated herein below.

Applicant respectfully submits that independent claim 1 has been amended to recite in part a method for a *passive* transponder system that includes:

providing an automatic communication process that takes place that establishes that the small device is spatially close taking place between the base station and the personal small device for establishing that the personal device is spatially close so as to provide secured access, characterized in that wherein said automatic communication includes providing signaling perceptible to a human... .

Support for the above amendment is clearly found in the specification at least at page 3, paragraph [0048]. Independent claims 14, 15 and 21 are amended in a similar manner.

Applicant also respectfully submits that as disclosed at page 1, paragraphs [0001-0003], the method recited by claims of the present invention relates to passive transponder systems, and the claimed invention provides an improvement in secured access regarding the vulnerabilities of such types of systems, by both preventing unauthorized access and providing a deterrent effect by providing perceptible signaling when any user attempts secured access (page 1, paragraphs [0011-0015]).

With regard to the rejections under 35 U.S.C. §102(b) in view of Tang, Applicant respectfully submits that Tang clearly fails at least to meet the recitation of "providing an automatic communication process that takes place between the base station and the personal small-device for establishing that the small device is spatially close so as to provide secured access", as Tang discloses not disclose a remote system for vehicle entry that provides automatic communication including perceptible signaling when a transponder (remote device) is spatially close for secure access, and Tang requires affirmative action (Fig. 1 shows remote unit 24 has activation button 27), which is contrary to a passive transponder system as claimed.

Furthermore, Tang discloses at col. 5, lines 23-27 that "[T]ransceiver (260 has a transceiver activation button (27) for operation by a user (not shown)."

For at least the above reasons, Applicant respectfully submits that independent claims 1, 14, 15 (and 21 for that matter) are not anticipated by Tang, and would not have been obvious to a person of ordinary skill in the art in view of Tang, nor would the combination of elements, as recited in these claims, have been obvious as being within the ordinary level of skill in the art (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

In accordance with MPEP 2131, under 35 U.S.C. §102, according to the United States Court of Appeals for the Federal Circuit, a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference” (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added)). Therefore, to reject a feature, which is alleged to patentably distinguish the claim containing such feature, as being anticipated by a prior art, the Office Action must establish that the same feature is present in the prior art reference. As Tang fails to disclose each and every element as set forth in independent claims 1, 14, 15 (and 21) this claim is not anticipated by the reference.

Applicant further respectfully submits that all claims dependent upon one of claims 1, 14 and 15 would not have been anticipated by Tang at least for the above reasons as well, and because of a separate basis for patentability.

Accordingly, reconsideration and withdrawal of all grounds of rejection under 35 U.S.C. §102(b) are respectfully requested.

With regard to the rejections under 35 U.S.C. §103(a) in view of Tang and Hussey, and/or Tang, Hussey and Sollestre, Applicant respectfully submits that at the time of invention, none of the present claims would have been obvious to a person of ordinary skill in the art in view of the combinations of references.

For example, with regard to the combination of Tang and Hussey, Tang clearly fails even to contemplate a passive transponder system "providing an automatic communication" which includes perceptible signaling as part of the communication process to provide secure access, and Hussey, as admitted in the Office Action "teaches a system comprising a portable hand-held transceiver (10) and a vehicle-based transceiver/controller 16 wherein the function

request signal (18) is transmitted by the portable transceiver (14) **in response to manual input from an operator"** (emphasis added in boldface, Office Action at Page 5, last paragraph, to Page 6, lines 1-3). In fact, the Office Action at Page 4, lines 1-4 further refers to the portable transceiver (14) having "at least one manually actuatable pushbutton selector switch". In addition, with regard to the combination of tang and Hussey, Applicant respectfully refers to the flowchart in FIG. 7 of Hussey, wherein at step 104 a manual activation is required.

Thus, in view at least of the aforementioned discussion, the combination of Tang and Hussey clearly fails, as a combination, to disclose or render obvious any of the present claims. Nor would the combination of elements, as recited in these claims, have been obvious as being within the ordinary level of skill in the art (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007))

Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Finally, with regard to the combination of Tang, Hussey and Sollestre, Applicant respectfully submits that none of claim 12, 16 and 21 would have been obvious at the time of invention to a person of ordinary skill in the art. The teachings of Sollestre, particularly at the cited col. 4, lines 42-57, in combination with Tang and Hussey, still fails, for example, to disclose or render obvious the recitation in claim 21 regarding "an *automatic* communication" that includes signaling that is perceptible to a human. Furthermore, claims 12 and 16 would not have been obvious over the combination of Tang, Hussey and Sollestre, at least for the reasons provided above in the traversal of the rejection of claim 1.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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